

Appl. No. : 09/380,826
Filed : November 22, 1999

REMARKS

Claims 1-14, 19, 20, 75 and 124-126 are pending in the application. Claim 127 has been canceled and Claim 1 has been amended. Support for the amendment to Claim 1 can be found in the Specification and Claims as filed. The changes made to the Specification and Claims by the current amendment, including deletions and additions, are shown herein with deletions designated with a strikethrough and additions underlined. No new matter has been added herewith.

Rejection under 35 U.S.C. §112, first paragraph

Claims 1-14, 19-20, 75, and 124-127 were rejected by the Examiner as failing to meet the written description requirement with respect to a *Leptospira* bacterium complementary to SEQ ID NO:1 or a sequence having 99% identity to SEQ ID NO:1 wherein said bacterium is cross-reactive in a cross-agglutination absorption assay with the *Leptospira* strain WKID. According to the Examiner, Applicants have not shown a bacterium with this feature. However, as is well known, DNA is double-stranded with each strand complementary to the other strand. Accordingly, if a bacterium contains DNA including the sequence of SEQ ID NO:1 or a sequence 99% identical thereto, it also contains the complement of that sequence. Nevertheless, in the interest of expediting prosecution, amended Claim 1 has been amended to delete reference to the complementary sequence. Because the complementary sequence is always present when SEQ ID NO:1 or a sequence 99% identical is present, no change in the scope of the claim has been made by this amendment.

Further, one of skill in the art would be able to identify whether a sequence that is 99% identical to SEQ ID NO:1 will provide the recited cross-agglutination feature using the teaching in the Specification and the knowledge of one of skill in the art (see also the enablement rejection below). Thus, the written description requirement is met for the presently claimed invention.

Claims 1-14, 19-20, 75, and 124-127 were also rejected by the Examiner as new matter with respect to a *Leptospira* bacterium complimentary to SEQ ID NO:1, a sequence having 99% identity wherein said bacterium is cross-reactive in a cross-agglutination absorption assay with the *Leptospira* strain WKID. As described above, Claim 1 no longer contains the language related to a bacterium complementary to the recited sequences. Thus, no new matter is present in the claims.

Appl. No. : 09/381,823
Filed : November 22, 1999

Claims 1-14, 19-20, 75, and 124-127 were rejected by the Examiner as not enabled with respect to a *Leptospira* bacterium complementary to SEQ ID NO:1, a sequence having 99% identity wherein said bacterium is cross-reactive in a cross-agglutination absorption assay with the *Leptospira* strain WKID. As described above, Claim 1 no longer contains the language related to a bacterium complementary to the recited sequences. Thus, the presently pending claims are fully enabled by the specification.

Rejection under 35 U.S.C. §112, second paragraph

Claim 127 was rejected by the Examiner as indefinite in the recitation of "sufficient homology". Claim 127 has now been cancelled, rendering the rejection moot.

Conclusion

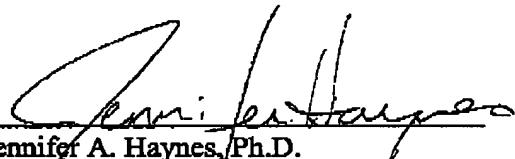
In view of Applicants' amendments to the claims and the foregoing Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Feb. 4, 2004

By:


Jennifer A. Haynes, Ph.D.
Registration No. 48,868
Agent of Record
Customer No. 20,995
(415) 954-4114

W:\DOCS\VAHVAH-7009.DOC
020404